IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION (STAMP) NO.8151 OF 2007
WITH
REVIEW PETITION (STAMP) NO.8150 OF 2007
WITH
CIVIL APPLICATION NO.393 OF 2007
IN
APPEAL FROM ORDER NO.469 OF 2006

Mr.Cyril D'Costa ...Applicant

Versus

1(a) Pravinkumar Pravinchandra
& Ors. ...Respondents

.....

Mr.Jeevan S.Goge for Applicant.

Mr.R.T.Parekh for Respondents 3(a) to 3(d).

Mr.Deokar, 1st Asstt. to Court Receiver with Mr.S.N.Naik & Mr.K.J.Patel, Representatives of Court Receiver are present.

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CORAM: A.M.KHANWILKAR, J.

APRIL 13, 2007.

P.C.

1. Heard Counsel for the parties.

2. Assuming that sufficient cause has been made out for condoning delay in filing Review

Petition against the order dated 8th March 2007, however, in my opinion, no case for review of the order has been made out. I find no reason to entertain the Review Petition.

3. Counsel for the Applicant would then contend that he may be given further time for taking up the matter in Appeal. In fact, sufficient time was granted to the Applicant in terms of order dated 22nd March 2007 to take recourse to remedy of Appeal. Instead of filing Appeal, the Applicant has filed Review Petition before this Court.

4. Obviously, the attempt is to gain time. The ground put forth that the Applicant is a senior citizen, cannot be the basis to ignore the act of commission and omission of the Applicant as recorded in my order dated 8th March 2007.

5. In the circumstances, no further indulgence can be shown to the Applicant. However, inspite of opposition by the Counsel for the opposite party, by way of indulgence, as last

opportunity, Applicant is granted one week's further time.

6. It is made clear that if the Applicant fails to produce any interim order in his favour within one week from today, the Court Receiver to forthwith proceed in respect of the suit premises on or after 23rd April 2007 without further reference to this Court.

7. Both the Civil Applications and the Review Petition stand disposed of on the above terms.

A.M.KHANWILKAR, J.